

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENDALL GARLAND,

Plaintiff,

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.,**

Defendants.

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CIVIL ACTION

NO. 14-5329

ORDER

AND NOW, this _9th_ day of October, 2015, upon consideration of Plaintiff's Objections to the Report and Recommendation and Request to Withdraw Plaintiff's Request for Stay of Proceedings (Doc. 23), the Defendant's Response thereto (Doc. 28), and the Report and Recommendation of United States Magistrate Judge M. Faith Angell (Doc. 22), **IT IS HEREBY ORDERED and DECREED** as follows:

1. The Order dated October 7, 2015 is **VACATED**;
2. The Report and Recommendation is **APPROVED AND ADOPTED**;
3. The Plaintiff's Request to withdraw the voluntary dismissal of the habeas petition is **GRANTED**;
4. The Defendant shall respond to Plaintiff's habeas petition within **thirty (30) days** of the date of this Order; and
5. All issues shall be presented to United States Magistrate Judge M. Faith Angell for a Report and Recommendation on the merits.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, C.J.